

1999 ASSEMBLY BILL 613

December 1, 1999 – Introduced by Representatives WALKER, HUBER, SYKORA, BALOW, KAUFERT, COGGS, GOETSCH, GRONEMUS, SUDER, PLOUFF, OWENS, WASSERMAN, GUNDRUM, PLALE, HAHN, MEYERHOFER, HUEBSCH, RYBA, KESTELL, STONE, ALBERS, FREESE, GUNDERSON, HUNDERTMARK, KELSO, LADWIG, F. LASEE, MONTGOMERY, MUSSER, OLSEN, PETROWSKI, PETTIS, PORTER, URBAN and VRAKAS, cosponsored by Senators BRESKE, HUELSMAN, GROBSCHMIDT, DARLING, JAUCH, ROSENZWEIG, FARROW, ROBSON, FITZGERALD and A. LASEE. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to repeal* 301.45 (2) (a) 7., 301.46 (2) (b) 7., 301.46 (4) (b) 3. and 301.46
2 (5) (b) 2.; *to renumber and amend* 301.45 (1), 301.45 (4m), 301.45 (5) (a) 1m.,
3 301.45 (6) (a), 301.46 (1), 938.185 (3) and 971.19 (9); *to amend* 20.410 (1) (gc),
4 48.396 (2) (f), 51.20 (13) (ct) 2m., 51.375 (1) (d), 71.78 (5), 301.132 (1) (c), 301.132
5 (2), 301.132 (3), 301.45 (1m) (a) 1., 301.45 (1m) (a) 2., 301.45 (1m) (b), 301.45 (2)
6 (a) (intro.), 301.45 (2) (b), 301.45 (2) (c), 301.45 (2) (d), 301.45 (2) (e) (intro.),
7 301.45 (2) (e) 2., 301.45 (2) (e) 5., 301.45 (3) (a) (intro.), 301.45 (3) (a) 1m., 301.45
8 (3) (a) 4., 301.45 (3) (b) 1., 301.45 (3) (b) 1m., 301.45 (3) (b) 2., 301.45 (3) (b) 3.,
9 301.45 (3) (b) 3m., 301.45 (3) (b) 4., 301.45 (5) (title), 301.45 (5) (a) (intro.),
10 301.45 (5) (a) 1., 301.45 (5) (a) 2., 301.45 (5) (a) 2m., 301.45 (5) (a) 3., 301.45 (5)
11 (a) 4., 301.45 (5) (b) (intro.), 301.45 (5) (b) 1., 301.45 (5) (b) 2., 301.45 (6) (a) 2.,
12 301.46 (2m) (a), 301.46 (2m) (am), 301.46 (3) (c), 301.46 (6) (a), 709.05 (1), 709.05
13 (2) (b), 938.34 (15m) (bm), 938.396 (2) (em), 942.06 (2m) (a), 942.06 (2q) (a)
14 (intro.), 971.17 (1m) (b) 2m. and 973.048 (2m); *to repeal and recreate* 301.45

ASSEMBLY BILL 613

1 (1g) (b), 301.45 (1g) (bm) and 301.45 (5) (a) 2.; and **to create** 51.20 (13) (ct) 4.,
2 51.20 (13) (ct) 5., 71.78 (4) (q), 301.45 (1d), 301.45 (1g) (dj), 301.45 (1g) (dL),
3 301.45 (1g) (f), 301.45 (1g) (g), 301.45 (1m) (a) 1g., 301.45 (2) (a) 9m., 301.45 (2)
4 (e) 2m., 301.45 (2) (e) 2t., 301.45 (2) (f), 301.45 (2) (g), 301.45 (3) (a) 1r., 301.45
5 (3) (a) 1t., 301.45 (4m) (b), 301.45 (5) (am), 301.45 (5) (b) 1m., 301.45 (5) (b) 3.,
6 301.45 (5m), 301.45 (6) (a) 2., 301.45 (6) (d), 301.45 (6m), 301.46 (1) (b), 301.46
7 (2m) (b) 1m., 301.46 (5n), 452.23 (2) (d), 704.04, 709.03 (form) GM., 709.09,
8 710.20, 938.185 (3) (b), (c) and (d), 938.34 (15m) (d), 938.34 (15m) (e), 938.345
9 (3), 939.615 (6) (i), 971.17 (1m) (b) 4., 971.17 (1m) (b) 5., 971.19 (9) (b), (c) and
10 (d), 973.048 (4) and 973.048 (5) of the statutes; **relating to:** sex offender
11 registration, release of information from the sex offender registry, honesty
12 testing of sex offenders, notice concerning access to the sex offender registry
13 before sales or rentals of real property, making an appropriation and providing
14 a penalty.

Analysis by the Legislative Reference Bureau***Sex offender registration requirements***

Under current law, with certain exceptions, a person must register as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect or adjudicated delinquent on the basis of certain sex offenses. The sex offenses covered under current law include sexual assault, sexual assault of a child, incest, sexual exploitation of a child, child enticement, soliciting a child for prostitution, exposing a child to harmful material, and certain cases of false imprisonment or kidnapping of a child. Current law also requires a person to register as a sex offender if he or she has been found to be a sexually violent person or was committed under the sex crimes law before that law was repealed in 1980. Further, current law allows a court to order a person to register as a sex offender if he or she has committed certain serious felony offenses that are not sex offenses if the court finds that the offense was sexually motivated.

The sex offender registry is maintained by the department of corrections (DOC) and contains specific information about persons required to register, such as information concerning the person's offense, the person's address and the person's

ASSEMBLY BILL 613

place of employment. A person registered as a sex offender must also periodically provide updated information to DOC if the information originally provided to the registry changes.

This bill makes various changes in the sex offender registration law, in part to comply with federal law relating to sex offender registration. The changes made by this bill include the following:

1. *Offenses covered.* The bill adds the following crimes to the current list of sex offenses covered by the registration requirement: possession of child pornography; child sex offender working or volunteering with children; and sexual assault of a student by a school instructional staff person.

2. *Persons covered.* The bill expands the coverage of the sex offender registry by requiring the following persons to register:

a. A person who has been placed on lifetime supervision by a court of this state after being convicted of a serious sex offense.

b. A juvenile who has been adjudicated delinquent in another state based on a sex offense and who is under supervision in this state under the interstate compact on the placement of juveniles.

c. A person who is registered as a sex offender in another state or with the federal bureau of investigation (FBI) and who is living in this state or is temporarily in this state while working or going to school.

d. A person who has been convicted of a sex offense or found not guilty by reason of mental disease or defect of a sex offense in another state, in federal court, in a military court or in a tribal court and who is living in this state or is temporarily in this state while working or going to school, unless the person was released from confinement or placed on supervision for the offense more than ten years before he or she enters this state.

3. *Registration of certain juveniles.* Under current law, if a juvenile is found to be in need of protection or services for acts that would constitute a sex offense if committed by an adult, the juvenile must register as a sex offender. This bill eliminates the mandatory registration requirement for juveniles found in need of protection or services for a sex offense and instead provides that a court may order the juvenile to register if registration would be in the interest of public protection. The bill also establishes a procedure for DOC to purge information from the sex offender registry concerning juveniles currently registered solely because they have been found to be in need of protection or services based on a sex offense.

4. *Duration of registration requirements.* Under current law, a person generally must continue to register as a sex offender for 15 years after the date on which he or she is discharged from his or sentence, commitment or other type of supervision. However, a person who has been convicted of a sex offense on two or more separate occasions and any person found to be a sexually violent predator must register for life.

Under this bill, when a court orders a person to register as a sex offender for a sexually motivated serious felony offense, the court may provide that the person must register for the rest of his or her life. The bill also requires a person to register for the rest of his or her life if he or she has been convicted in this state of first or

ASSEMBLY BILL 613

second degree sexual assault, first or second degree sexual assault of a child or repeated sexual assault of a child or if the person has been convicted by another jurisdiction of any crime that is comparable to first or second degree sexual assault, first or second degree sexual assault of a child or repeated sexual assault of a child.

In addition, the bill specifies the length of the registration period for persons who are newly subject to the registration requirements (see item 2., above):

a. A person who must register as a sex offender because he or she has been placed on lifetime supervision generally must register for the rest of his or her life. However, if a court decides to terminate the lifetime supervision of the person, the court may also order that the person no longer has to register as a sex offender.

b. A juvenile who has been adjudicated delinquent in another state based on a sex offense and who is under supervision in this state under the interstate compact on the placement of juveniles must register until 15 years after being discharged from the supervision or for as long as he or she is in this state, whichever is less.

c. A person who is registered as a sex offender in another state or with the FBI and who is living in this state or is temporarily in this state while working or going to school generally must register for as long as he or she is in this state or for as long as he or she is required to register with the other state or the FBI, whichever is less. If the person is required to register with the other state or the FBI for less than ten years from the date he or she was released from confinement or placed on supervision for the sex offense, then the person must register for as long as he or she is in this state or for ten years from the date of being released or placed on supervision, whichever is less.

d. A person who has been convicted of a sex offense or found not guilty by reason of mental disease or defect of a sex offense in another state, in federal court, in a military court or in a tribal court and who is living in this state or is temporarily in this state while working or going to school must register for as long as he or she is in this state or for ten years from the date of being released or placed on supervision, whichever is less.

5. *Changes in the exemption to registration.* Currently, a person may ask a court to exempt him or her from the sex offender registration requirements if the following apply: a) the person is required to register based on a sexual assault of a child that he or she committed before reaching the age of 19; b) the victim was within four years of age of the offender; and c) the court determines that it is not necessary, in the interest of public protection, to require the person to register as a sex offender. This bill restricts the coverage of the exemption from the sex offender registration requirements by providing that a person is not eligible for an exemption if the sexual assault of the child involved sexual intercourse with a child under the age of 12 or sexual intercourse by the use or threat of force or violence.

6. *Collection and verification of information for the registry.* The bill allows DOC to require a person registered as a sex offender to verify, in a manner determined by DOC, the accuracy of any information that the person has provided to DOC for inclusion in the registry. In addition, the bill allows DOC to require the person to provide a photograph, fingerprints and other information for inclusion in

ASSEMBLY BILL 613

the registry. The person may be ordered to appear at any place necessary to collect the photograph, fingerprints or other information, including a police station.

7. *Penalty and prosecution for failing to comply with the registration requirements.* Under current law, a person who intentionally fails to comply with the sex offender registration requirement may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This bill provides that a person who knowingly fails to comply with the requirements is subject to the current penalty for a first offense, while for a second or subsequent offense the person may be fined not more than \$10,000 or imprisoned for not more than five years or both. If the criminal penalties study committee's recommendations concerning felony penalties are enacted, the penalty for a second or subsequent offense will be a fine of not more than \$10,000 or imprisonment for not more than six years or both.

Also, current law requires that a prosecution against a person for failing to comply with the registration requirements must be brought in either the person's county of residence or any county in which the person resided while subject to the registration requirements. This bill provides that a person may also be prosecuted in any county in which the person went to school or worked while subject to the requirements, in the county in which the person committed a sex offense that is the basis for the registration requirement, or, if applicable, in the county in which the person was found to be a sexually violent predator.

Release of information from the sex offender registry

Under current law, the information in the sex offender registry is generally confidential. However, when a person first registers as a sex offender or when a registered sex offender updates information in the registry, DOC must make the information available to local law enforcement agencies. A local law enforcement agency may in turn release information from the registry that it has received (other than information concerning children who are required to register and information concerning juvenile adjudications for sex offenses) if the local law enforcement agency believes that release of the information is necessary to protect to the public. In addition, DOC and other state agencies may release certain information to specified community organizations and to members of the general public if an organization or a member of the general public requests the information.

This bill requires DOC to establish an Internet site containing information from the sex offender registry. The Internet site must be organized in a manner that allows a person to get the information that DOC is currently authorized or required to provide to the person. In addition, the site may provide access to any other information that DOC determines is necessary to release for protection of the public. DOC is also required to keep the site secure against unauthorized alteration.

Lie detector tests of sex offenders

Under current law, if a person who is registered as a sex offender is on probation, parole or extended supervision, DOC may require, as a condition of the person's probation, parole or extended supervision, that the person submit to a lie detector test when directed to do so by DOC. This bill allows DOC to require a person to submit to a lie detector test while the person is in a correctional institution as a part of the person's correctional programming or the person's care or treatment, if the

ASSEMBLY BILL 613

person will be required to register as a sex offender upon his or her release from the institution.

Notices prior to sales or rentals of real property

Under current law, with certain exceptions, owners who wish to sell residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of which the owner is aware related to the real property. The form also includes some additional information, such as how long the owner has lived on the property, and a notice that the prospective buyer and the owner may wish to obtain professional advice or inspections of the property. This bill requires the form to include a notice that advises the prospective buyer that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective buyer may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. The notice provides the address, telephone number and Internet address of DOC. If the real estate condition report provided to a prospective buyer includes this notice, the owner of the property is absolved from any duty to disclose to the prospective buyer any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, after sale of the property, the owner is not liable to the buyer or any person on the property with the permission of the buyer for damages resulting from the actions of a person required to register with the sex offender registry. If a prospective buyer learns, after receiving a real estate condition report, that a person who is required to register with the sex offender registry resides, is employed or attends school within one-eighth of a mile of the property, the prospective buyer may, within two business days after receiving the report, rescind the contract of sale.

Under current law, unlike owners of residential property, owners of nonresidential property are not required to provide to prospective buyers any report on the condition of the property. The bill provides, however, that an owner of nonresidential property may provide to a prospective buyer, before the prospective buyer submits to the owner a contract of sale or option contract, a notice that advises the prospective buyer, along with the address, telephone number and Internet address of DOC, that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective buyer may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. If the owner provides the notice to a prospective buyer, the owner is absolved from any duty to disclose to the prospective buyer any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, after the sale of the property, the owner is not liable to the buyer or any person on the property with the permission of the buyer for damages resulting from the actions of a person required to register with the sex offender registry.

ASSEMBLY BILL 613

The bill also provides that a landlord may provide to a prospective tenant, before the tenant enters into a lease, a notice that advises the prospective tenant, along with the address, telephone number and Internet address of DOC, that anyone may obtain information from DOC about persons required to register with the sex offender registry and that the prospective tenant may wish to obtain information about any person registered with the sex offender registry who resides in the neighborhood or community in which the property is located. If the landlord provides the notice to a prospective tenant, the landlord is absolved from any duty to disclose to the prospective tenant, before or after entering into a lease, any information about the sex offender registry or any information related to the fact that any particular person is required to register with the sex offender registry. In addition, if the tenant enters into a lease, the owner is not liable to the tenant, a guest of the tenant or any other occupant of the rented property for damages resulting from the actions of a person required to register with the sex offender registry.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.410 (1) (gc) of the statutes is amended to read:

2 20.410 **(1)** (gc) *Sex offender honesty testing.* All moneys received from
3 ~~probation, extended supervision and parole clients~~ sex offenders who are required
4 to pay for polygraph examinations, as prescribed by rule in accordance with s.
5 301.132 (3), for expenditures related to the lie detector test program for ~~probationers,~~
6 ~~extended supervision and parolees~~ sex offenders under s. 301.132.

7 **SECTION 2.** 48.396 (2) (f) of the statutes is amended to read:

8 48.396 **(2)** (f) Upon request of the department of corrections to review court
9 records for the purpose of obtaining information concerning a child required to
10 register under s. 301.45, the court shall open for inspection by authorized
11 representatives of the department of corrections the records of the court relating to
12 any child who has been found in need of protection or services for an offense specified

ASSEMBLY BILL 613**SECTION 2**

1 in s. 301.45 ~~(1)~~ (1g) (a). The department of corrections may disclose information that
2 it obtains under this paragraph as provided under s. 301.46.

3 **SECTION 3.** 51.20 (13) (ct) 2m. of the statutes is amended to read:

4 51.20 **(13)** (ct) 2m. If the subject individual is before the court on a petition filed
5 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
6 violation, or to have solicited, conspired or attempted to commit a violation, of s.
7 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
8 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or
9 of s. 940.30 or 940.31 if the victim was a minor and the subject individual was not
10 the victim's parent, the court shall require the individual to comply with the
11 reporting requirements under s. 301.45 unless the court determines, after a hearing
12 on a motion made by the individual, that the individual is not required to comply
13 under s. 301.45 (1m).

14 **SECTION 4.** 51.20 (13) (ct) 4. of the statutes is created to read:

15 51.20 **(13)** (ct) 4. If the court orders a subject individual to comply with the
16 reporting requirements under s. 301.45, the court may order the subject individual
17 to continue to comply with the reporting requirements until his or her death.

18 **SECTION 5.** 51.20 (13) (ct) 5. of the statutes is created to read:

19 51.20 **(13)** (ct) 5. If the court orders a subject individual to comply with the
20 reporting requirements under s. 301.45, the clerk of the court in which the order is
21 entered shall promptly forward a copy of the order to the department of corrections.
22 If the finding under s. 938.30 (5) (c) (intro.) on which the order is based is reversed,
23 set aside or vacated, the clerk of the court shall promptly forward to the department
24 of corrections a certificate stating that the finding has been reversed, set aside or
25 vacated.

ASSEMBLY BILL 613

1 **SECTION 6.** 51.375 (1) (d) of the statutes is amended to read:

2 51.375 (1) (d) “Sex offender” means a person committed to the department who
3 meets any of the criteria specified in s. 301.45 (1) (1g).

4 **SECTION 7.** 71.78 (4) (q) of the statutes is created to read:

5 71.78 (4) (q) Employees of the department of corrections involved in the
6 administration of the sex offender registry under s. 301.45, for the purpose of
7 verifying information provided by a person required to register as a sex offender.

8 **SECTION 8.** 71.78 (5) of the statutes is amended to read:

9 71.78 (5) AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified
10 in sub. (1) and related schedules, exhibits, writings or audit reports shall not be
11 furnished to the persons listed under sub. (4), except persons under sub. (4) (e), (k),
12 (n) ~~and~~, (o) and (q) or under an agreement between the department of revenue and
13 another agency of government.

14 **SECTION 9.** 301.132 (1) (c) of the statutes is amended to read:

15 301.132 (1) (c) “Sex offender” means a person in the custody of the department
16 who meets any of the criteria specified in s. 301.45 (1) (1g).

17 **SECTION 10.** 301.132 (2) of the statutes is amended to read:

18 301.132 (2) The department may require, ~~as a condition of probation, parole~~
19 ~~or extended supervision, that a probationer, parolee or person on extended~~
20 ~~supervision who is a sex offender~~ to submit to a lie detector test when directed to do
21 so by the department. The department may require submission to a lie detector test
22 under this subsection as part of a sex offender’s correctional programming or care
23 and treatment, as a condition of a sex offender’s probation, parole or extended
24 supervision, or both as part of a sex offender’s correctional programming or care and

ASSEMBLY BILL 613**SECTION 10**

1 treatment and as a condition of the sex offender's probation, parole or extended
2 supervision.

3 **SECTION 11.** 301.132 (3) of the statutes is amended to read:

4 301.132 (3) The department shall promulgate rules establishing a lie detector
5 test program for probationers, parolees and persons on extended supervision who are
6 sex offenders. The rules shall provide for assessment of fees upon probationers,
7 parolees and persons on extended supervision sex offenders to partially offset the
8 costs of the program.

9 **SECTION 12.** 301.45 (1) of the statutes is renumbered 301.45 (1g), and 301.45
10 (1g) (intro.), (a), (b), (bm), (c), (d), (dd), (dh) and (e), as renumbered, are amended to
11 read:

12 301.45 (1g) (intro.) Except as provided in sub. (1m), a person shall comply with
13 the reporting requirements under this section if he or she meets any one or more of
14 the following criteria:

15 (a) Is convicted, or adjudicated delinquent or found in need of protection or
16 services on or after December 25, 1993, for any violation, or for the solicitation,
17 conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),
18 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or
19 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the
20 victim's parent a sex offense.

21 (b) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m), or
22 a secured child caring institution, as defined in s. 938.02 (15g), or on probation,
23 extended supervision, parole, supervision or aftercare supervision on or after
24 December 25, 1993, for any violation, or for the solicitation, conspiracy or attempt
25 to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or

ASSEMBLY BILL 613

1 ~~(2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30~~
2 ~~or 940.31 if the victim was a minor and the person was not the victim's parent a sex~~
3 ~~offense.~~

4 (bm) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m),
5 or a secured child caring institution, as defined in s. 938.02 (15g), or on probation,
6 extended supervision, parole, supervision or aftercare supervision on or after
7 December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to
8 commit a violation, of a law of this state that is comparable to s. ~~940.22 (2), 940.225~~
9 ~~(1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07,~~
10 ~~948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if~~
11 ~~the victim was a minor and the person was not the victim's parent a sex offense.~~

12 (c) Is found not guilty or not responsible by reason of mental disease or defect
13 on or after December 25, 1993, and committed under s. 51.20 or 971.17 for ~~any~~
14 ~~violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.~~
15 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
16 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
17 ~~a minor and the person was not the victim's parent a sex offense.~~

18 (d) Is in institutional care or on conditional transfer under s. 51.35 (1) or
19 conditional release under s. 971.17 on or after December 25, 1993, for ~~any violation,~~
20 ~~or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2),~~
21 ~~940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
22 ~~948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor~~
23 ~~and the person was not the victim's parent a sex offense.~~

24 (dd) Is in institutional care or on conditional transfer under s. 51.35 (1) or
25 conditional release under s. 971.17 on or after December 25, 1993, for a violation, or

ASSEMBLY BILL 613

1 for the solicitation, conspiracy or attempt to commit a violation, of a law of this state
2 that is comparable to ~~s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),~~
3 ~~948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30~~ or that is
4 comparable to a violation of ~~s. 940.30 or 940.31~~ if the victim was a minor and the
5 person was not the victim's parent a sex offense.

6 (dh) Is on parole, extended supervision or probation in this state from another
7 state under s. 304.13 or 304.135 on or after December 25, 1993, for a violation, or for
8 the solicitation, conspiracy or attempt to commit a violation, of the law of another
9 state that is comparable to a violation of ~~s. 940.22 (2), 940.225 (1), (2) or (3), 944.06,~~
10 ~~948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30~~
11 or that is comparable to a violation of ~~s. 940.30 or 940.31~~ if the victim was a minor
12 and the person was not the victim's parent sex offense.

13 (e) Is ordered by a court under s. 51.20 (13) (ct) 1m., 938.34 (15m) (am), 938.345
14 (3), 971.17 (1m) (b) 1m. or 973.048 (1m) to comply with the reporting requirements
15 under this section.

16 **SECTION 13.** 301.45 (1d) of the statutes is created to read:

17 301.45 (1d) DEFINITIONS. In this section:

18 (a) "Employed or carrying on a vocation" means employment or vocational
19 activity that is full-time or part-time for a continuous period of time exceeding 14
20 days or for an aggregate period of time exceeding 30 days during any calendar year,
21 whether financially compensated, volunteered or for the purpose of government or
22 educational benefit.

23 (am) "Found to have committed a sex offense by another jurisdiction" means
24 any of the following:

ASSEMBLY BILL 613

1 1. Convicted or found not guilty or not responsible by reason of mental disease
2 or defect for a violation of a law of another state that is comparable to a sex offense.

3 2. Convicted or found not guilty by reason of mental disease or defect for a
4 violation of a federal law that is comparable to a sex offense.

5 3. Convicted or found not guilty or not responsible by reason of mental disease
6 or defect in the tribal court of a federally recognized American Indian tribe or band
7 for a violation that is comparable to a sex offense.

8 4. Sentenced or found not guilty by reason of mental disease or defect by a court
9 martial for a violation that is comparable to a sex offense.

10 (b) “Sex offense” means a violation, or the solicitation, conspiracy or attempt
11 to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),
12 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am),
13 948.12, 948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the
14 person who committed the violation was not the victim’s parent.

15 (c) “Student” means a person who is enrolled on a full-time or part-time basis
16 in any public or private educational institution, including a secondary school, a
17 business, trade, technical or vocational school or an institution of higher education.

18 **SECTION 14.** 301.45 (1g) (b) of the statutes, as affected by 1999 Wisconsin Acts
19 9 and (this act), is repealed and recreated to read:

20 301.45 (1g) (b) Is in prison, a secured correctional facility, a secured child caring
21 institution or a secured group home or is on probation, extended supervision, parole,
22 supervision or aftercare supervision on or after December 25, 1993, for a sex offense.

23 **SECTION 15.** 301.45 (1g) (bm) of the statutes, as affected by 1999 Wisconsin Acts
24 9 and (this act), is repealed and recreated to read:

ASSEMBLY BILL 613**SECTION 15**

1 301.45 **(1g)** (bm) Is in prison, a secured correctional facility, a secured child
2 caring institution or a secured group home or is on probation, extended supervision,
3 parole, supervision or aftercare supervision on or after December 25, 1993, for a
4 violation, or for the solicitation, conspiracy or attempt to commit a violation, of a law
5 of this state that is comparable to a sex offense.

6 **SECTION 16.** 301.45 (1g) (dj) of the statutes is created to read:

7 301.45 **(1g)** (dj) Is a juvenile in this state on or after the effective date of this
8 paragraph [revisor inserts date], and is on supervision in this state from another
9 state pursuant to the interstate compact on the placement of juveniles under s.
10 938.988 for a violation of a law of another state that is comparable to a sex offense.

11 **SECTION 17.** 301.45 (1g) (dL) of the statutes is created to read:

12 301.45 **(1g)** (dL) Is placed on lifetime supervision under s. 939.615 on or after
13 June 26, 1998.

14 **SECTION 18.** 301.45 (1g) (f) of the statutes is created to read:

15 301.45 **(1g)** (f) On or after the first day of the 7th month beginning after the
16 effective date of this paragraph [revisor inserts date], is registered as a sex
17 offender in another state or is registered as a sex offender with the federal bureau
18 of investigation under 42 USC 14072 and is a resident of this state, a student in this
19 state or employed or carrying on a vocation in this state.

20 **SECTION 19.** 301.45 (1g) (g) of the statutes is created to read:

21 301.45 **(1g)** (g) Has been found to have committed a sex offense by another
22 jurisdiction and, on or after the first day of the 7th month beginning after the
23 effective date of this paragraph [revisor inserts date], is a resident of this state,
24 a student in this state or employed or carrying on a vocation in this state. This
25 paragraph does not apply if 10 years have passed since the date on which the person

ASSEMBLY BILL 613

1 was released from prison or placed on parole, probation, extended supervision or
2 other supervised release for the sex offense.

3 **SECTION 20.** 301.45 (1m) (a) 1. of the statutes is amended to read:

4 301.45 **(1m)** (a) 1. The person meets the criteria under sub. ~~(1)~~ (1g) (a) to ~~(dh)~~
5 (dd) based on any violation, or on the solicitation, conspiracy or attempt to commit
6 any violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of another state that is~~
7 ~~comparable to s. 948.02 (1) or (2) or 948.025.~~

8 **SECTION 21.** 301.45 (1m) (a) 1g. of the statutes is created to read:

9 301.45 **(1m)** (a) 1g. The violation, or the solicitation, conspiracy or attempt to
10 commit the violation, of s. 948.02 (1) or (2) or 948.025 did not involve sexual
11 intercourse, as defined in s. 948.01 (6), either by the use or threat of force or violence
12 or with a victim under the age of 12 years.

13 **SECTION 22.** 301.45 (1m) (a) 2. of the statutes is amended to read:

14 301.45 **(1m)** (a) 2. At the time of the violation, or of the solicitation, conspiracy
15 or attempt to commit the violation, of s. 948.02 (1) or (2) or 948.025 ~~or of a law of~~
16 ~~another state that is comparable to s. 948.02 (1) or (2) or 948.025,~~ the person had not
17 attained the age of 19 years and was not more than 4 years older or not more than
18 4 years younger than the child.

19 **SECTION 23.** 301.45 (1m) (b) of the statutes is amended to read:

20 301.45 **(1m)** (b) If a person believes that he or she is not required under par.
21 (a) to comply with the reporting requirements under this section and the person is
22 not before the court under s. 51.20 (13) (ct), 938.34 (15m), 971.17 (1m) (b) or 973.048,
23 the person may move a court to make a determination of whether the person satisfies
24 the criteria specified in par. (a). A motion made under this paragraph shall be filed
25 with the circuit court for the county in which the person was convicted, adjudicated

ASSEMBLY BILL 613**SECTION 23**

1 delinquent, ~~found in need of protection or services~~ or found not guilty or not
2 responsible by reason of mental disease or defect, ~~except that if the person meets the~~
3 ~~criteria of sub. (1) (dh) the person shall file the motion in the circuit court for the~~
4 ~~county in which he or she resides.~~

5 **SECTION 24.** 301.45 (2) (a) (intro.) of the statutes is amended to read:

6 301.45 (2) (a) (intro.) The department shall maintain a registry of all persons
7 subject to sub. (1) (1g). The registry shall contain all of the following with respect to
8 each person:

9 **SECTION 25.** 301.45 (2) (a) 7. of the statutes is repealed.

10 **SECTION 26.** 301.45 (2) (a) 9m. of the statutes is created to read:

11 301.45 (2) (a) 9m. For a person covered under sub. (1g) (dt), a notation
12 concerning the treatment that the person has received for his or her mental disorder,
13 as defined in s. 980.01 (2).

14 **SECTION 27.** 301.45 (2) (b) of the statutes is amended to read:

15 301.45 (2) (b) If the department has supervision over a person subject to sub.
16 (1) (1g), the department shall enter into the registry under this section the
17 information specified in par. (a) concerning the person.

18 **SECTION 28.** 301.45 (2) (c) of the statutes is amended to read:

19 301.45 (2) (c) If the department of health and family services has supervision
20 over a person subject to sub. (1) (1g), that department, with the assistance of the
21 person, shall provide the information specified in par. (a) to the department of
22 corrections in accordance with the rules under sub. (8).

23 **SECTION 29.** 301.45 (2) (d) of the statutes is amended to read:

24 301.45 (2) (d) A person subject to sub. (1) (1g) who is not under the supervision
25 of the department of corrections or the department of health and family services shall

ASSEMBLY BILL 613

1 provide the information specified in par. (a) to the department of corrections in
2 accordance with the rules under sub. (8). If the person is unable to provide an item
3 of information specified in par. (a), the department of corrections may request
4 assistance from a circuit court or the department of health and family services in
5 obtaining that item of information. A circuit court and the department of health and
6 family services shall assist the department of corrections when requested to do so
7 under this paragraph.

8 **SECTION 30.** 301.45 (2) (e) (intro.) of the statutes is amended to read:

9 301.45 (2) (e) (intro.) The department of health and family services shall
10 provide the information required under par. (c) or the person subject to sub. (1) (1g)
11 shall provide the information required under par. (d) in accordance with whichever
12 of the following is applicable:

13 **SECTION 31.** 301.45 (2) (e) 2. of the statutes is amended to read:

14 301.45 (2) (e) 2. If the person is on parole, extended supervision ~~or~~ probation
15 or other supervision from another state under s. 304.13 ~~or~~ 304.135 or 938.988, within
16 10 days after the person enters this state.

17 **SECTION 32.** 301.45 (2) (e) 2m. of the statutes is created to read:

18 301.45 (2) (e) 2m. If the person is registered as a sex offender in another state
19 or is registered as a sex offender with the federal bureau of investigation under 42
20 USC 14072, within 10 days after the person enters this state to take up residence or
21 begin school, employment or his or her vocation.

22 **SECTION 33.** 301.45 (2) (e) 2t. of the statutes is created to read:

23 301.45 (2) (e) 2t. If the person has been found to have committed a sex offense
24 by another jurisdiction and subd. 2m. does not apply, within 10 days after the person

1 enters this state to take up residence or begin school, employment or his or her
2 vocation.

3 **SECTION 34.** 301.45 (2) (e) 5. of the statutes is amended to read:

4 301.45 (2) (e) 5. If subd. 1., 2., 2m., 2t., 3. or 4. does not apply, within 10 days
5 after the person is sentenced or receives a disposition.

6 **SECTION 35.** 301.45 (2) (f) of the statutes is created to read:

7 301.45 (2) (f) The department may require a person covered under sub. (1g) to
8 provide the department with his or her fingerprints, a recent photograph of the
9 person and any other information required under par. (a) that the person has not
10 previously provided. The department may require the person to report to a place
11 designated by the department, including an office or station of a law enforcement
12 agency, for the purpose of obtaining the person's fingerprints, the photograph or
13 other information.

14 **SECTION 36.** 301.45 (2) (g) of the statutes is created to read:

15 301.45 (2) (g) The department may send a person subject to sub. (1g) a notice
16 or other communication requesting the person to verify the accuracy of any
17 information contained in the registry. A person subject to sub. (1g) who receives a
18 notice or communication sent by the department under this paragraph shall, no later
19 than 10 days after receiving the notice or other communication, provide verification
20 of the accuracy of the information to the department in the form and manner
21 specified by the department.

22 **SECTION 37.** 301.45 (3) (a) (intro.) of the statutes is amended to read:

23 301.45 (3) (a) (intro.) A person covered under sub. (1) (1g) is subject to the
24 annual registration requirements under par. (b) as follows:

25 **SECTION 38.** 301.45 (3) (a) 1m. of the statutes is amended to read:

ASSEMBLY BILL 613

1 301.45 (3) (a) 1m. If the person is on parole, extended supervision or probation
2 or other supervision from another state under s. 304.13 or 304.135 or 938.988, he or
3 she is subject to this subsection upon entering this state.

4 **SECTION 39.** 301.45 (3) (a) 1r. of the statutes is created to read:

5 301.45 (3) (a) 1r. If the person is registered as a sex offender in another state
6 or is registered as a sex offender with the federal bureau of investigation under 42
7 USC 14072, within 10 days after the person enters this state to take up residence or
8 begin school, employment or his or her vocation.

9 **SECTION 40.** 301.45 (3) (a) 1t. of the statutes is created to read:

10 301.45 (3) (a) 1t. If the person has been found to have committed a sex offense
11 by another jurisdiction and subd. 1r. does not apply, within 10 days after the person
12 enters this state to take up residence or begin school, employment or his or her
13 vocation.

14 **SECTION 41.** 301.45 (3) (a) 4. of the statutes is amended to read:

15 301.45 (3) (a) 4. If subd. 1., 1m., 1r., 1t., 2., 2m., 3., 3g. or 3r. does not apply, the
16 person is subject to this subsection after he or she is sentenced or receives a
17 disposition.

18 **SECTION 42.** 301.45 (3) (b) 1. of the statutes is amended to read:

19 301.45 (3) (b) 1. Except as provided in subd. 1m., a person who is subject to par.
20 (a) shall notify the department once each calendar year, as directed by the
21 department, of his or her current information specified in sub. (2) (a). The
22 department shall annually notify registrants of their need to comply with this
23 requirement. If the registrant is a person under the age of 18, the department may
24 also annually notify the registrant's parent, guardian or legal custodian of the
25 registrant's need to comply with this requirement.

ASSEMBLY BILL 613

1 **SECTION 43.** 301.45 (3) (b) 1m. of the statutes is amended to read:

2 301.45 **(3)** (b) 1m. A person who is subject to ~~par. (a)~~ because he or she is covered
3 ~~under sub. (1) (dt)~~ lifetime registration under sub. (5) (b) 2. or (5m) (b) 4. shall notify
4 the department once each 90 days, as directed by the department, of his or her
5 current information specified in sub. (2) (a). Every 90 days, the department shall
6 notify registrants subject to this subdivision of their need to comply with this
7 requirement. If the registrant subject to this subdivision is a person under the age
8 of 18, the department may also notify the registrant's parent, guardian or legal
9 custodian every 90 days of the registrant's need to comply with this requirement.

10 **SECTION 44.** 301.45 (3) (b) 2. of the statutes is amended to read:

11 301.45 **(3)** (b) 2. The department shall notify a person who is being released
12 from prison in this state because he or she has reached the expiration date of his or
13 her sentence and who is covered under sub. (1) (1g) of the need to comply with the
14 requirements of this section. Also, probation, extended supervision and parole
15 agents, aftercare agents and agencies providing supervision shall notify any client
16 who is covered under sub. (1) (1g) of the need to comply with the requirements of this
17 section at the time the client is placed on probation, extended supervision, parole,
18 supervision or aftercare supervision or, if the client is on probation, extended
19 supervision ~~or~~, parole or other supervision from another state under s. 304.13 ~~or~~,
20 304.135 or 938.988, when the client enters this state.

21 **SECTION 45.** 301.45 (3) (b) 3. of the statutes is amended to read:

22 301.45 **(3)** (b) 3. The department of health and family services shall notify a
23 person who is being placed on conditional release, conditional transfer or parole, or
24 is being terminated or discharged from a commitment, under s. 51.20, 51.35 or

ASSEMBLY BILL 613

1 971.17 or ch. 975 or 980 and who is covered under sub. ~~(1)~~ (1g) of the need to comply
2 with the requirements of this section.

3 **SECTION 46.** 301.45 (3) (b) 3m. of the statutes is amended to read:

4 301.45 **(3)** (b) 3m. After notifying a person under subd. 2. or 3. of the need to
5 comply with this section, the person who is providing the notification shall require
6 the person who is covered under sub. ~~(1)~~ (1g) to read and sign a form stating that he
7 or she has been informed of the requirements of this section.

8 **SECTION 47.** 301.45 (3) (b) 4. of the statutes is amended to read:

9 301.45 **(3)** (b) 4. ~~Failure to~~ It is not a defense to liability under sub. (6) (a) that
10 the person subject to sub. (1g) was not required to read and sign a form under subd.
11 3m., was not provided with a form to read and sign under subd. 3m. or failed or
12 refused to read or sign a form under subd. 3m. It is not a defense to liability under
13 sub. (6) (a) that the person subject to sub. (1g) did not receive notice under this
14 paragraph from the department of health and family services, the department of
15 corrections, a probation, extended supervision and parole agent, an aftercare agent
16 or an agency providing supervision ~~is not a defense to liability under sub. (6).~~

17 **SECTION 48.** 301.45 (4m) of the statutes is renumbered 301.45 (4m) (intro.) and
18 amended to read:

19 301.45 **(4m)** INFORMATION CONCERNING A MOVE TO OR SCHOOLING OR EMPLOYMENT
20 IN ANOTHER STATE. (intro.) In addition to the requirements under subs. (3) and (4),
21 a person who is covered under sub. ~~(1)~~ (1g) and who is changing his or her residence
22 from this state to another state, is becoming a student in another state or is to be
23 employed or carrying on a vocation in another state shall, no later than 10 days
24 before he or she moves out of this state, begins school or begins employment or his
25 or her vocation, notify the department that he or she is changing his or her residence

ASSEMBLY BILL 613**SECTION 48**

1 from this state ~~and, is beginning school in another state or is beginning employment~~
2 ~~or the carrying on of a vocation in another state.~~ The person shall also inform the
3 department of the state to which he or she is moving his or her residence, the state
4 in which he or she will be in school or the state in which he or she will be employed
5 or carrying on a vocation. Upon receiving notification from a person under this
6 subsection, the department shall ~~inform~~ do all of the following:

7 (a) Inform the person whether the state to which the person is moving, the state
8 in which the person will be in school or the state in which the person will be employed
9 or carrying on a vocation has sex offender registration requirements to which the
10 person may be subject and, if so, the name of the agency to contact in that state for
11 information concerning those requirements.

12 **SECTION 49.** 301.45 (4m) (b) of the statutes is created to read:

13 301.45 (4m) (b) Inform the agency responsible for sex offender registration in
14 the state to which the person is moving, in which the person will be in school or in
15 which the person will be employed or carrying on a vocation that the person is moving
16 to the state, beginning school in the state or beginning employment or carrying on
17 a vocation in the state, and provide the agency of the other state with all of the
18 information specified in sub. (2) (a).

19 **SECTION 50.** 301.45 (5) (title) of the statutes is amended to read:

20 301.45 (5) (title) RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX
21 OFFENSE IN THIS STATE.

22 **SECTION 51.** 301.45 (5) (a) (intro.) of the statutes is amended to read:

23 301.45 (5) (a) (intro.) Except as provided in ~~par.~~ pars. (am) and (b), a person who
24 is covered under sub. (4) (1g) (a), (b), (bm), (c), (d), (dd), (dp) or (e) no longer has to
25 comply with this section when the following applicable criterion is met:

ASSEMBLY BILL 613

1 **SECTION 52.** 301.45 (5) (a) 1. of the statutes is amended to read:

2 301.45 **(5)** (a) 1. If the person has been placed on probation or supervision for
3 a sex offense, 15 years after discharge from the probation or supervision imposed for
4 the sex offense.

5 **SECTION 53.** 301.45 (5) (a) 1m. of the statutes is renumbered 301.45 (5m) (a)
6 1. and amended to read:

7 301.45 **(5m)** (a) 1. If the person is on parole, extended supervision or, probation
8 or other supervision from another state under s. 304.13 or, 304.135 or 938.988, 15
9 years after discharge from that parole, extended supervision or, probation or other
10 supervision or the period of time that the person is in this state, whichever is less.

11 **SECTION 54.** 301.45 (5) (a) 2. of the statutes is amended to read:

12 301.45 **(5)** (a) 2. If the person has been sentenced to prison or placed in a secured
13 correctional facility or a secured child caring institution for a sex offense, 15 years
14 after discharge from parole, extended supervision or aftercare supervision for the sex
15 offense.

16 **SECTION 55.** 301.45 (5) (a) 2. of the statutes, as affected by 1999 Wisconsin Act
17 9 and (this act), is repealed and recreated to read:

18 301.45 **(5)** (a) 2. If the person has been sentenced to prison for a sex offense or
19 placed in a secured correctional facility, a secured child caring institution or a
20 secured group home for a sex offense, 15 years after discharge from parole, extended
21 supervision or aftercare supervision for the sex offense.

22 **SECTION 56.** 301.45 (5) (a) 2m. of the statutes is amended to read:

23 301.45 **(5)** (a) 2m. If the person has been sentenced to prison for a sex offense
24 and is being released from prison because he or she has reached the expiration date

ASSEMBLY BILL 613

1 of his ~~or her~~ the sentence for the sex offense, 15 years after being released from
2 prison.

3 **SECTION 57.** 301.45 (5) (a) 3. of the statutes is amended to read:

4 301.45 (5) (a) 3. If the person has been committed to the department of health
5 and family services under s. 51.20 or 971.17 and is in institutional care or on
6 conditional transfer under s. 51.35 (1) or conditional release under s. 971.17 for a sex
7 offense, 15 years after termination of the commitment for the sex offense under s.
8 971.17 (5) or discharge from the commitment for the sex offense under s. 51.35 (4)
9 or 971.17 (6).

10 **SECTION 58.** 301.45 (5) (a) 4. of the statutes is amended to read:

11 301.45 (5) (a) 4. If subd. 1., ~~1m.~~, 2., 2m., 3. or 3m. does not apply, 15 years after
12 the date of conviction for the sex offense or 15 years after the date of disposition of
13 the sex offense, whichever is later.

14 **SECTION 59.** 301.45 (5) (am) of the statutes is created to read:

15 301.45 (5) (am) 1. Except as provided in subd. 2., a person who is covered under
16 sub. (1g) (dL) shall continue to comply with the requirements of this section until his
17 or her death.

18 2. A person who is covered under sub. (1g) (dL) is not required to comply with
19 the requirements of this section if a court orders that the person is no longer required
20 to comply under s. 939.615 (6) (i).

21 **SECTION 60.** 301.45 (5) (b) (intro.) of the statutes is amended to read:

22 301.45 (5) (b) (intro.) A person who is covered under sub. ~~(1)~~ (1g) (a), (b), (bm),
23 (c), (d), (dd), (dp) or (e) shall continue to comply with the requirements of this section
24 until his or her death if any of the following apply applies:

25 **SECTION 61.** 301.45 (5) (b) 1. of the statutes is amended to read:

ASSEMBLY BILL 613

1 301.45 (5) (b) 1. The person has, on 2 or more separate occasions, been convicted
2 or found not guilty or not responsible by reason of mental disease or defect for any
3 violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.
4 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
5 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was
6 a minor and the person was not the victim's parent a sex offense, or for any a
7 violation, or for the solicitation, conspiracy or attempt to commit any a violation, of
8 a federal law, a military law, a tribal law or a law of this state or any other state that
9 is comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1)
10 or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is
11 comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the
12 person was not the victim's parent sex offense. A conviction or finding of not guilty
13 or not responsible by reason of mental disease or defect that has been reversed, set
14 aside or vacated is not a conviction or finding for purposes of determining under this
15 subdivision whether a person has been convicted on 2 or more separate occasions.

16 **SECTION 62.** 301.45 (5) (b) 1m. of the statutes is created to read:

17 301.45 (5) (b) 1m. The person has been convicted or found not guilty or not
18 responsible by reason of mental disease or defect for a violation, or for the solicitation,
19 conspiracy or attempt to commit a violation, of s. 940.225 (1) or (2), 948.02 (1) or (2)
20 or 948.025. A conviction or finding of not guilty or not responsible by reason of mental
21 disease or defect that has been reversed, set aside or vacated is not a conviction or
22 finding for purposes of this subdivision.

23 **SECTION 63.** 301.45 (5) (b) 2. of the statutes is amended to read:

24 301.45 (5) (b) 2. The person has been found to be a sexually violent person under
25 ch. 980, regardless of whether the person is discharged under s. 980.09 or 980.10

ASSEMBLY BILL 613**SECTION 63**

1 from the sexually violent person commitment, except that the person no longer has
2 to comply with this section if the finding that the person is a sexually violent person
3 has been reversed, set aside or vacated.

4 **SECTION 64.** 301.45 (5) (b) 3. of the statutes is created to read:

5 301.45 (5) (b) 3. The court that ordered the person to comply with the reporting
6 requirements of this section under s. 51.20 (13) (ct), 938.34 (15m), 938.345 (3), 971.17
7 (1m) (b) or 973.048 also ordered the person to comply with the requirements until his
8 or her death.

9 **SECTION 65.** 301.45 (5m) of the statutes is created to read:

10 301.45 (5m) RELEASE FROM REQUIREMENTS FOR PERSONS WHO COMMITTED A SEX
11 OFFENSE IN ANOTHER JURISDICTION. (a) Except as provided in pars. (b) and (c), a person
12 who is covered under sub. (1g) (dh), (dj), (f) or (g) no longer has to comply with this
13 section when the following applicable criterion is met:

14 2. If the person is registered as a sex offender in another state or is registered
15 as a sex offender with the federal bureau of investigation under 42 USC 14072,
16 whichever of the following is less:

17 a. The period of time that the person is a resident of this state, a student in this
18 state or employed or carrying on a vocation in this state.

19 b. The period of time that the person is registered as a sex offender in another
20 state or with the federal bureau of investigation, or 10 years from the date on which
21 the person was released from prison or placed on parole, probation, extended
22 supervision or other supervised release for the sex offense which subjects the person
23 to the requirements of this section, whichever is greater.

24 3. If the person has been found to have committed a sex offense by another
25 jurisdiction and subd. 2. does not apply, whichever of the following is less:

ASSEMBLY BILL 613

1 a. The period of time that the person is a resident of this state, a student in this
2 state or employed or carrying on a vocation in this state.

3 b. Ten years from the date on which the person was released from prison or
4 placed on parole, probation, extended supervision or other supervised release for the
5 sex offense which subjects the person to the requirements of this section.

6 (b) A person who is covered under sub. (1g) (dh), (dj), (f) or (g) shall continue
7 to comply with the requirements of this section for as long as the person is a resident
8 of this state, a student in this state or employed or carrying on a vocation in this state
9 if one or more of the following apply:

10 1. The person is registered as a sex offender in another state or is registered
11 as a sex offender with the federal bureau of investigation under 42 USC 14072 and
12 the person is required to register with that other state or with the federal bureau of
13 investigation until his or her death.

14 2. The person has been convicted or found not guilty or not responsible by
15 reason of mental disease or defect for a violation of s. 940.225 (1) or (2), 948.02 (1) or
16 (2) or 948.025, or for the solicitation, conspiracy or attempt to commit a violation, of
17 a federal law, a military law, a tribal law or a law of any state that is comparable to
18 a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025. A conviction or finding
19 of not guilty or not responsible by reason of mental disease or defect that has been
20 reversed, set aside or vacated is not a conviction or finding for purposes of this
21 subdivision.

22 3. The person has, on 2 or more separate occasions, been convicted or found not
23 guilty or not responsible by reason of mental disease or defect for a sex offense or for
24 a violation, or the solicitation, conspiracy or attempt to commit a violation, of a
25 federal law, military law, tribal law or law of any state that is comparable to a sex

ASSEMBLY BILL 613

1 offense. A conviction or finding of not guilty or not responsible by reason of mental
2 disease or defect that has been reversed, set aside or vacated is not a conviction or
3 finding for purposes of determining under this subdivision whether a person has
4 been convicted on 2 or more separate occasions.

5 4. A determination has been made as provided under 42 USC 14071 (a) (2) (A)
6 or (B) that the person is a sexually violent predator, or lifetime registration by the
7 person is required under measures approved by the attorney general of the United
8 States under 42 USC 14071 (a) (2) (C).

9 (c) This subsection does not apply to a person who is required to register as a
10 sex offender under one or more of the criteria specified in sub. (1g) (a), (b), (bm), (c),
11 (d), (dd), (dp) or (e).

12 **SECTION 66.** 301.45 (6) (a) of the statutes is renumbered 301.45 (6) (a) (intro.)
13 and amended to read:

14 301.45 (6) (a) (intro.) Whoever ~~intentionally~~ knowingly fails to comply with any
15 requirement to provide information under subs. (2) to (4) is subject to the following
16 penalties:

17 1. For a first offense, the person may be fined not more than \$10,000 or
18 imprisoned for not more than 9 months or both.

19 (am) Subject to s. 971.19 (9), a district attorney or, upon the request of a district
20 attorney, the department of justice may prosecute a ~~violation of this subsection~~
21 ~~knowing failure to comply with any requirement to provide information under subs.~~
22 ~~(2) to (4).~~ If the department of corrections determines that there is probable cause
23 to believe that a person has ~~intentionally~~ knowingly failed to comply with any
24 requirement to provide information under subs. (2) to (4), the department shall

ASSEMBLY BILL 613

1 forward a certified copy of all pertinent departmental information to the applicable
2 district attorney. The department shall certify the copy in accordance with s. 889.08.

3 **SECTION 67.** 301.45 (6) (a) 2. of the statutes is created to read:

4 301.45 **(6)** (a) 2. For a 2nd or subsequent offense, the person may be fined not
5 more than \$10,000 or imprisoned for not more than 5 years or both. For purposes
6 of this subdivision, an offense is a 2nd or subsequent offense if, prior to committing
7 the offense, the person has at any time been convicted of knowingly failing to comply
8 with any requirement to provide information under subs. (2) to (4).

9 **SECTION 68.** 301.45 (6) (a) 2. of the statutes, as created by 1999 Wisconsin Act
10 (this act), is amended to read:

11 301.45 **(6)** (a) 2. For a 2nd or subsequent offense, the person ~~may be fined not~~
12 ~~more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class
13 H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense
14 if, prior to committing the offense, the person has at any time been convicted of
15 knowingly failing to comply with any requirement to provide information under
16 subs. (2) to (4).

17 **SECTION 69.** 301.45 (6) (d) of the statutes is created to read:

18 301.45 **(6)** (d) Notwithstanding par. (a), a person who first became subject to
19 subs. (2) to (4) under 1999 Wisconsin Act (this act) and who was in prison or a
20 secured correctional facility or a secured child caring institution, in institutional
21 care, or on probation, parole, supervision, aftercare supervision, corrective sanctions
22 supervision, conditional transfer or conditional release during the period beginning
23 on December 25, 1993, and ending on the effective date of this paragraph [revisor
24 inserts date], shall be allowed until the first day of the 7th month beginning after the

1 effective date of this paragraph [revisor inserts date], to comply with the
2 requirements under subs. (2) to (4).

3 **SECTION 70.** 301.45 (6m) of the statutes is created to read:

4 301.45 **(6m)** NOTICE TO OTHER JURISDICTIONS CONCERNING NONCOMPLIANCE. If the
5 department has reasonable grounds to believe that a person who is covered under
6 sub. (1g) (f) or (g) is residing in this state, is a student in this state or is employed or
7 carrying on a vocation in this state and that the person is not complying with the
8 requirements of this section, the department shall notify the state agency
9 responsible for the registration of sex offenders in any state in which the person is
10 registered that it believes the person is not complying with the requirements of this
11 section. If the person is registered with the federal bureau of investigation under 42
12 USC 14072, the department shall notify the federal bureau of investigation that it
13 believes the person is not complying with the requirements of this section.

14 **SECTION 71.** 301.46 (1) of the statutes is renumbered 301.46 (1) (intro.) and
15 amended to read:

16 301.46 **(1)** DEFINITIONS. (intro.) In this section “agency:

17 (a) “Agency with jurisdiction” means the state agency with the authority or
18 duty to confine or supervise a person or release or discharge a person from
19 confinement.

20 **SECTION 72.** 301.46 (1) (b) of the statutes is created to read:

21 301.46 **(1)** (b) “Sex offense” has the meaning given in s. 301.45 (1d) (b).

22 **SECTION 73.** 301.46 (2) (b) 7. of the statutes is repealed.

23 **SECTION 74.** 301.46 (2m) (a) of the statutes is amended to read:

24 301.46 **(2m)** (a) If an agency with jurisdiction confines a person under s.
25 301.046, provides a person entering the intensive sanctions program under s.

ASSEMBLY BILL 613

1 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
2 a person from confinement in a state correctional institution or institutional care,
3 and the person has, on one occasion only, been convicted or found not guilty or not
4 responsible by reason of mental disease or defect for ~~any violation, or for the~~
5 ~~solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225~~
6 ~~(1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07,~~
7 ~~948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the~~
8 ~~person was not the victim's parent, a sex offense or for a violation of a law of this state~~
9 ~~that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),~~
10 ~~948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or that is~~
11 ~~comparable to s. 940.30 or 940.31 if the victim was a minor and the person was not~~
12 ~~the victim's parent a sex offense, the agency with jurisdiction may notify the police~~
13 ~~chief of any community and the sheriff of any county in which the person will be~~
14 ~~residing, employed or attending school if the agency with jurisdiction determines~~
15 ~~that such notification is necessary to protect the public. Notification under this~~
16 ~~paragraph may be in addition to providing access to information under sub. (2) or to~~
17 ~~any other notification that an agency with jurisdiction is authorized to provide.~~

18 **SECTION 75.** 301.46 (2m) (am) of the statutes is amended to read:

19 301.46 **(2m)** (am) If an agency with jurisdiction confines a person under s.
20 301.046, provides a person entering the intensive sanctions program under s.
21 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
22 a person from confinement in a state correctional institution or institutional care,
23 and the person has been found to be a sexually violent person under ch. 980 or has,
24 on 2 or more separate occasions, been convicted or found not guilty or not responsible
25 by reason of mental disease or defect for ~~any violation, or for the solicitation,~~

ASSEMBLY BILL 613

1 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
2 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11~~
3 ~~or a sex offense or for a violation of a law of this state that is comparable to s. 940.22~~
4 ~~(2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
5 ~~948.07, 948.08 or 948.11~~ a sex offense, the agency with jurisdiction shall notify the
6 police chief of any community and the sheriff of any county in which the person will
7 be residing, employed or attending school. Notification under this paragraph shall
8 be in addition to providing access to information under sub. (2) and to any other
9 notification that an agency with jurisdiction is authorized to provide.

10 **SECTION 76.** 301.46 (2m) (b) 1m. of the statutes is created to read:

11 301.46 **(2m)** (b) 1m. Notice that, beginning on the first day of the 13th month
12 beginning after publication [revisor inserts date], information concerning persons
13 registered under s. 301.45 will be available on the Internet site established by the
14 department under sub. (5n).

15 **SECTION 77.** 301.46 (3) (c) of the statutes is amended to read:

16 301.46 **(3)** (c) The notice under par. (b) shall be a written notice to the victim
17 or member of the victim's family that the person required to register under s. 301.45
18 and specified in the information provided under par. (d) has been registered or, if
19 applicable, has provided the department with updated information under s. 301.45
20 (4). The notice shall contain the information specified in sub. (2) (b) 1., 5., 6., ~~7.~~ and
21 10. or, if applicable, the updated information.

22 **SECTION 78.** 301.46 (4) (b) 3. of the statutes is repealed.

23 **SECTION 79.** 301.46 (5) (b) 2. of the statutes is repealed.

24 **SECTION 80.** 301.46 (5n) of the statutes is created to read:

ASSEMBLY BILL 613

1 301.46 **(5n)** INTERNET ACCESS. No later than the first day of the 13th month
2 beginning after the effective date of this subsection ... [revisor inserts date], the
3 department shall provide access to information concerning persons registered under
4 s. 301.45 by creating and maintaining an Internet site and by any other means that
5 the department determines is appropriate. The information provided through the
6 Internet site shall be organized in a manner that allows a person using the Internet
7 site to obtain the information that the department is required to provide the person
8 under sub. (2), (2m), (3), (4) or (5) and other information that the department
9 determines is necessary to protect the public. The department shall keep the
10 information provided on the Internet site and in other means used to allow access to
11 the information secure against unauthorized alteration.

12 **SECTION 81.** 301.46 (6) (a) of the statutes is amended to read:

13 301.46 **(6)** (a) Except as provided in par. (b), the department or an agency with
14 jurisdiction may provide notice of or access to information under subs. (2) to (5)
15 concerning a person registered under s. 301.45 only during the period under s. 301.45
16 (5) or (5m) for which the person is required to comply with s. 301.45.

17 **SECTION 82.** 452.23 (2) (d) of the statutes is created to read:

18 452.23 **(2)** (d) Any information related to the fact that a particular person is
19 required to register as a sex offender under s. 301.45 or any information about the
20 sex offender registry under s. 301.45.

21 **SECTION 83.** 704.04 of the statutes is created to read:

22 **704.04 Notice of access to sex offender registry; no duty to disclose**
23 **information.** **(1)** If, before a prospective tenant enters into a lease or rental
24 agreement, the landlord or his or her agent provides to the prospective tenant the
25 notice under sub. (2), all of the following apply:

ASSEMBLY BILL 613

1 (a) The landlord or agent has no duty to disclose to the prospective tenant, or
2 to the tenant after the lease or rental agreement is entered into, any information
3 related to the fact that a particular person is required to register as a sex offender
4 under s. 301.45 or any information about the sex offender registry under s. 301.45.

5 (b) After the lease or rental agreement is entered into, the landlord or agent is
6 not liable to the tenant, to a guest of the tenant or to any other occupant of the rented
7 property, for damages resulting from the actions of a person required to register as
8 a sex offender under s. 301.45.

9 (2) The notice referred to in sub. (1) (intro.) shall be in substantially the
10 following form:

11 NOTICE REGARDING ACCESS TO THE
12 SEX OFFENDER REGISTRY

13 Anyone may obtain information from the department of corrections about
14 persons required to register with the sex offender registry under section 301.45,
15 Wisconsin Statutes. The department of corrections provides access to the
16 information on the Internet and by other means. THE PROSPECTIVE TENANT
17 MAY WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED
18 WITH THE SEX OFFENDER REGISTRY WHO RESIDES IN THE
19 NEIGHBORHOOD OR COMMUNITY IN WHICH THIS PROPERTY IS LOCATED.
20 FOR MORE INFORMATION, CONTACT THE DEPARTMENT OF
21 CORRECTIONS AT (ADDRESS), (TELEPHONE NUMBER), (INTERNET
22 ADDRESS).

23 (3) This section shall not be construed to impose any liability on a landlord or
24 his or her agent that did not exist under common law on the effective date of this
25 subsection [revisor inserts date]. This section shall not be construed to protect a

ASSEMBLY BILL 613

1 landlord or his or her agent from suit or liability for any damage, loss or injury caused
2 by the intentional or wanton misconduct of the landlord or his or her agent.

3 **SECTION 84.** 709.03 (form) GM. of the statutes is created to read:

4 **709.03** (form) GM.

5 NOTICE REGARDING ACCESS TO THE
6 SEX OFFENDER REGISTRY

7 GM. Anyone may obtain information from the department of corrections about
8 persons required to register with the sex offender registry under section 301.45,
9 Wisconsin Statutes. The department of corrections provides access to the
10 information on the Internet and by other means. THE PROSPECTIVE BUYER MAY
11 WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED WITH
12 THE SEX OFFENDER REGISTRY WHO RESIDES IN THE NEIGHBORHOOD OR
13 COMMUNITY IN WHICH THIS PROPERTY IS LOCATED. FOR MORE
14 INFORMATION, CONTACT THE DEPARTMENT OF CORRECTIONS AT
15 (ADDRESS), (TELEPHONE NUMBER), (INTERNET ADDRESS).

16 **SECTION 85.** 709.05 (1) of the statutes is amended to read:

17 709.05 (1) Except as provided in sub. (2) (b), if a buyer receives a report after
18 submission of a contract of sale or option contract to the owner or the owner's agent,
19 the buyer may, after receipt of that report by the prospective buyer and before the
20 applicable deadline, rescind in writing a contract of sale or option contract if a defect,
21 as defined in the report, is disclosed, or if the buyer learns that a person who is
22 required to register as a sex offender under s. 301.45 resides, is employed or attends
23 school within one-eighth of a mile of the property, without any liability on his or her
24 part, and a buyer is entitled to the return of any deposits or option fees paid in the
25 transaction. A prospective buyer who receives a report that is incomplete or that

ASSEMBLY BILL 613

1 contains an inaccurate assertion that an item is not applicable and who is not aware
2 of the defects that the owner failed to disclose may, within 2 business days after
3 receipt of that report, rescind in writing a contract of sale or option contract without
4 any liability on his or her part and is entitled to the return of any deposits or option
5 fees paid in the transaction.

6 **SECTION 86.** 709.05 (2) (b) of the statutes is amended to read:

7 709.05 (2) (b) A buyer may not rescind a contract of sale or option contract
8 under this section on the basis of a defect disclosed in a report, amended report or
9 amendment to a report, or on the basis of knowledge about a person who is required
10 to register as a sex offender under s. 301.45, if the buyer was aware, or had written
11 notice, of the nature and extent of the defect, or of the person's proximate residence,
12 employment or attendance at school, at the time the contract of sale or option
13 contract was submitted to the owner or the owner's agent.

14 **SECTION 87.** 709.09 of the statutes is created to read:

15 **709.09 No duty to disclose information; no liability.** (1) In regard to
16 transfers described in s. 709.01, if the owner of the property or his or her agent
17 provides to a prospective buyer a report under s. 709.03 that contains the information
18 specified in s. 709.03 (form) GM., all of the following apply:

19 (a) The owner or agent has no duty to disclose to the prospective buyer any
20 information related to the fact that a particular person is required to register as a
21 sex offender under s. 301.45 or any information about the sex offender registry under
22 s. 301.45.

23 (b) The owner or agent is not liable to the buyer or any person on the property
24 with the permission of the buyer for damages resulting from the actions of a person
25 required to register as a sex offender under s. 301.45.

ASSEMBLY BILL 613

1 information on the Internet and by other means. THE PROSPECTIVE BUYER MAY
2 WISH TO OBTAIN INFORMATION ABOUT ANY PERSON REGISTERED WITH
3 THE SEX OFFENDER REGISTRY WHO RESIDES IN THE NEIGHBORHOOD OR
4 COMMUNITY IN WHICH THIS PROPERTY IS LOCATED. FOR MORE
5 INFORMATION, CONTACT THE DEPARTMENT OF CORRECTIONS AT
6 (ADDRESS), (TELEPHONE NUMBER), (INTERNET ADDRESS).

7 **(3)** This section shall not be construed to impose any liability on a property
8 owner or his or her agent that did not exist under common law on the effective date
9 of this subsection [revisor inserts date]. This section shall not be construed to
10 protect an owner or his or her agent from suit or liability for any damage, loss or
11 injury caused by the intentional or wanton misconduct of the owner or his or her
12 agent.

13 **SECTION 89.** 938.185 (3) of the statutes is renumbered 938.185 (3) (intro.) and
14 amended to read:

15 938.185 **(3)** (intro.) Venue for a proceeding under s. 938.12 or 938.13 (12) based
16 on an alleged violation of s. 301.45 (6) (a) may be in the juvenile's county of residence
17 at the time that the petition is filed ~~or, if,~~ If the juvenile does not have a county of
18 residence in this state at the time that the petition is filed, any or if the juvenile's
19 county of residence is unknown at the time that the petition is filed, venue for the
20 proceeding may be in any of the following counties:

21 (a) Any county in which the juvenile has resided while subject to s. 301.45.

22 **SECTION 90.** 938.185 (3) (b), (c) and (d) of the statutes are created to read:

23 938.185 **(3)** (b) The county in which the juvenile was adjudicated delinquent
24 or found not responsible by reason of mental disease or defect for the sex offense that
25 requires the juvenile to register under s. 301.45.

ASSEMBLY BILL 613

1 (c) If the juvenile is required to register under s. 301.45 (1g) (dt), the county in
2 which the juvenile was found to be a sexually violent person under ch. 980.

3 (d) If the juvenile is required to register only under s. 301.45 (1g) (f) or (g), any
4 county in which the juvenile has been a student in this state or has been employed
5 or carrying on a vocation in this state.

6 **SECTION 91.** 938.34 (15m) (bm) of the statutes is amended to read:

7 938.34 **(15m)** (bm) If the juvenile is adjudicated delinquent on the basis of a
8 violation, or the solicitation, conspiracy or attempt to commit a violation, of s. 940.22
9 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
10 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or of s. 940.30
11 or 940.31 if the victim was a minor and the juvenile was not the victim's parent, the
12 court shall require the juvenile to comply with the reporting requirements under s.
13 301.45 unless the court determines, after a hearing on a motion made by the juvenile,
14 that the juvenile is not required to comply under s. 301.45 (1m).

15 **SECTION 92.** 938.34 (15m) (d) of the statutes is created to read:

16 938.34 **(15m)** (d) If the court orders a juvenile to comply with the reporting
17 requirements under s. 301.45, the court may order the juvenile to continue to comply
18 with the reporting requirements until his or her death.

19 **SECTION 93.** 938.34 (15m) (e) of the statutes is created to read:

20 938.34 **(15m)** (e) If the court orders a juvenile to comply with the reporting
21 requirements under s. 301.45, the clerk of the court in which the order is entered
22 shall promptly forward a copy of the order to the department of corrections. If the
23 finding of delinquency on which the order is based is reversed, set aside or vacated,
24 the clerk of the court shall promptly forward to the department of corrections a

ASSEMBLY BILL 613

1 certificate stating that the finding of delinquency has been reversed, set aside or
2 vacated.

3 **SECTION 94.** 938.345 (3) of the statutes is created to read:

4 938.345 (3) (a) If the court finds that a juvenile is in need of protection or
5 services on the basis of a violation, or the solicitation, conspiracy or attempt to
6 commit a violation, under ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may
7 require the juvenile to comply with the reporting requirements under s. 301.45 if the
8 court determines that the underlying conduct was sexually motivated, as defined in
9 s. 980.01 (5), and that it would be in the interest of public protection to have the
10 juvenile report under s. 301.45. In determining whether it would be in the interest
11 of public protection to have the juvenile report under s. 301.45, the court may
12 consider any of the following:

13 1. The ages, at the time of the violation, of the juvenile and the victim of the
14 violation.

15 2. The relationship between the juvenile and the victim of the violation.

16 3. Whether the violation resulted in bodily harm, as defined in s. 939.22 (4), to
17 the victim.

18 4. Whether the victim suffered from a mental illness or mental deficiency that
19 rendered him or her temporarily or permanently incapable of understanding or
20 evaluating the consequences of his or her actions.

21 5. The probability that the juvenile will commit other violations in the future.

22 6. Any other factor that the court determines may be relevant to the particular
23 case.

ASSEMBLY BILL 613

1 (b) If the court orders a juvenile to comply with the reporting requirements
2 under s. 301.45, the court may order the juvenile to continue to comply with the
3 reporting requirements until his or her death.

4 (c) If the court orders a juvenile to comply with the reporting requirements
5 under s. 301.45, the clerk of the court in which the order is entered shall promptly
6 forward a copy of the order to the department of corrections. If the finding of need
7 of protection or services on which the order is based is reversed, set aside or vacated,
8 the clerk of the court shall promptly forward to the department of corrections a
9 certificate stating that the finding has been reversed, set aside or vacated.

10 **SECTION 95.** 938.396 (2) (em) of the statutes is amended to read:

11 938.396 (2) (em) Upon request of the department to review court records for the
12 purpose of obtaining information concerning a child required to register under s.
13 301.45, the court shall open for inspection by authorized representatives of the
14 department the records of the court relating to any child who has been adjudicated
15 delinquent or found not responsible by reason of mental disease or defect for an
16 offense specified in s. 301.45 ~~(1)~~ (1g) (a). The department may disclose information
17 that it obtains under this paragraph as provided under s. 301.46.

18 **SECTION 96.** 939.615 (6) (i) of the statutes is created to read:

19 939.615 (6) (i) If the court grants a petition requesting termination of lifetime
20 supervision and the person is registered with the department under s. 301.45, the
21 court may also order that the person is no longer required to comply with the
22 reporting requirements under s. 301.45. This paragraph does not apply to a person
23 who must continue to comply with the reporting requirements for life under s. 301.45
24 (5) (b) or for as long as he or she is in this state under s. 301.45 (5m) (b).

25 **SECTION 97.** 942.06 (2m) (a) of the statutes is amended to read:

ASSEMBLY BILL 613

1 942.06 **(2m)** (a) An employe or agent of the department of corrections who
2 conducts a lie detector test of a ~~probationer, parolee or person on extended~~
3 ~~supervision under the rules promulgated~~ sex offender under s. 301.132.

4 **SECTION 98.** 942.06 (2q) (a) (intro.) of the statutes is amended to read:

5 942.06 **(2q)** (a) (intro.) An employe or agent of the department of corrections
6 who discloses, to any of the following, the fact that a ~~probationer, parolee or person~~
7 ~~on extended supervision~~ sex offender has had a lie detector test ~~under the rules~~
8 ~~promulgated~~ under s. 301.132 or the results of such a lie detector test:

9 **SECTION 99.** 971.17 (1m) (b) 2m. of the statutes is amended to read:

10 971.17 **(1m)** (b) 2m. If the defendant under sub. (1) is found not guilty by reason
11 of mental disease or defect for a violation, or for the solicitation, conspiracy or
12 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
13 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or
14 (am), 948.12, 948.13 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and
15 the defendant was not the victim's parent, the court shall require the defendant to
16 comply with the reporting requirements under s. 301.45 unless the court determines,
17 after a hearing on a motion made by the defendant, that the defendant is not required
18 to comply under s. 301.45 (1m).

19 **SECTION 100.** 971.17 (1m) (b) 4. of the statutes is created to read:

20 971.17 **(1m)** (b) 4. If the court orders a defendant to comply with the reporting
21 requirements under s. 301.45, the court may order the defendant to continue to
22 comply with the reporting requirements until his or her death.

23 **SECTION 101.** 971.17 (1m) (b) 5. of the statutes is created to read:

24 971.17 **(1m)** (b) 5. If the court orders a defendant to comply with the reporting
25 requirements under s. 301.45, the clerk of the court in which the order is entered

ASSEMBLY BILL 613

1 shall promptly forward a copy of the order to the department of corrections. If the
2 finding of not guilty by reason of mental disease or defect on which the order is based
3 is reversed, set aside or vacated, the clerk of the court shall promptly forward to the
4 department of corrections a certificate stating that the finding has been reversed, set
5 aside or vacated.

6 **SECTION 102.** 971.19 (9) of the statutes is renumbered 971.19 (9) (intro.) and
7 amended to read:

8 971.19 (9) (intro.) In an action under s. 301.45 (6) (a), the defendant may be
9 tried in the defendant's county of residence at the time that the complaint is filed or,
10 ~~if.~~ If the defendant does not have a county of residence in this state at the time that
11 the complaint is filed, any or if the defendant's county of residence is unknown at the
12 time that the complaint is filed, the defendant may be tried in any of the following
13 counties:

14 (a) Any county in which he or she has resided while subject to s. 301.45.

15 **SECTION 103.** 971.19 (9) (b), (c) and (d) of the statutes are created to read:

16 971.19 (9) (b) The county in which he or she was convicted, found not guilty or
17 not responsible by reason of mental disease or defect or adjudicated delinquent for
18 the sex offense that requires the person to register under s. 301.45.

19 (c) If the defendant is required to register under s. 301.45 (1g) (dt), the county
20 in which the person was found to be a sexually violent person under ch. 980.

21 (d) If the person is required to register only under s. 301.45 (1g) (f) or (g), any
22 county in which the person has been a student in this state or has been employed or
23 carrying on a vocation in this state.

24 **SECTION 104.** 973.048 (2m) of the statutes is amended to read:

ASSEMBLY BILL 613

1 973.048 **(2m)** If a court imposes a sentence or places a person on probation for
2 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.
3 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
4 948.06, 948.07, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13 or 948.30, or
5 of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's
6 parent, the court shall require the person to comply with the reporting requirements
7 under s. 301.45 unless the court determines, after a hearing on a motion made by the
8 person, that the person is not required to comply under s. 301.45 (1m).

9 **SECTION 105.** 973.048 (4) of the statutes is created to read:

10 973.048 **(4)** If the court orders a person to comply with the reporting
11 requirements under s. 301.45, the court may order the person to continue to comply
12 with the reporting requirements until his or her death.

13 **SECTION 106.** 973.048 (5) of the statutes is created to read:

14 973.048 **(5)** If the court orders a person to comply with the reporting
15 requirements under s. 301.45, the clerk of the court in which the order is entered
16 shall promptly forward a copy of the order to the department of corrections. If the
17 conviction on which the order is based is reversed, set aside or vacated, the clerk of
18 the court shall promptly forward to the department of corrections a certificate stating
19 that the conviction has been reversed, set aside or vacated.

20 **SECTION 107. Nonstatutory provisions.**

21 (1) PERSONS REGISTERED AS SEX OFFENDERS BASED ON BEING FOUND IN NEED OF
22 PROTECTION OR SERVICES.

23 (a) Notwithstanding section 301.45 (1) (a), 1997 stats., no later than the first
24 day of the 7th month beginning after the effective date of this paragraph, the
25 department of corrections shall, except as provided in paragraphs (d) and (e), purge

ASSEMBLY BILL 613

1 all of the information maintained in the sex offender registry under section 301.45
2 of the statutes, as affected by this act, concerning a person who is registered as a sex
3 offender on the effective date of this paragraph solely because the person had been
4 found in need of protection or services on or after December 25, 1993, for an offense
5 specified in section 301.45 (1) (a), 1997 stats.

6 (b) No later the first day of the 3rd month beginning after the effective date of
7 this paragraph, the department of corrections shall, with respect to each person
8 registered as a sex offender who is covered by the purgation requirement under
9 paragraph (a), notify the county department of social services or the county
10 department of human services, whichever is applicable, of the county of the court
11 that found the person in need of protection or services that the information in the sex
12 offender registry is subject to being purged under paragraph (a).

13 (c) A county department of social services or county department of human
14 services that receives a notice from the department of corrections under paragraph
15 (b) concerning a person registered as a sex offender shall decide whether to petition
16 the court that found the person in need of protection or services for an order requiring
17 the person to continue complying with the reporting requirements under section
18 301.45 of the statutes, as affected by this act. The county department shall make the
19 decision no later than the first day of the 5th month beginning after the effective date
20 of this paragraph and shall immediately inform the department of corrections of its
21 decision. If the county department decides that it does not want to petition the court
22 for an order requiring a person to continue to comply with section 301.45 of the
23 statutes, as affected by this act, the department of corrections shall purge the
24 information concerning the person in the sex offender registry as provided under
25 paragraph (a). If a county department decides that it wants to petition the court, it

ASSEMBLY BILL 613

1 shall request the district attorney or corporation counsel to file the petition, and the
2 district attorney or corporation counsel shall proceed as provided under paragraph
3 (d).

4 (d) A district attorney or corporation counsel who is requested to file a petition
5 under paragraph (c) shall file the petition in the court that found the person in need
6 of protection or services no later than the first day of the 6th month beginning after
7 the effective date of this paragraph. The district attorney or corporation counsel
8 shall serve a copy of the petition on the person and, if the person has not attained the
9 age of 18 years, on the parents, guardian or legal custodian of the person. The district
10 attorney or corporation counsel shall also inform the department of corrections that
11 he or she has filed the petition. If it receives notice that a petition has been filed
12 under this paragraph, the department of corrections may not purge the information
13 about the person in the sex offender registry except as provided under paragraph (e).

14 (e) The court in which a petition is filed under paragraph (d) shall hold a
15 hearing on the petition, at which it may allow the county department that requested
16 the petition to be filed and the person to present evidence on whether it is in the
17 interest of public protection to have the person continue to register as a sex offender.
18 The court shall decide whether to grant or to deny the petition and shall provide
19 written notification of its decision to the department of corrections no later than the
20 first day of the 10th month beginning after the effective date of this paragraph. In
21 deciding whether to grant or to deny the petition, the court may consider any of the
22 factors specified under section 938.345 (3) (a) of the statutes, as created by this act.
23 If the court grants the petition, the department of corrections shall continue to
24 maintain the information in the sex offender registry about the person as provided
25 under section 301.45 of the statutes, as affected by this act, and may not purge the

ASSEMBLY BILL 613

1 information under paragraph (a). If the court denies the petition, the department
2 of corrections shall purge the information in the sex offender registry about the
3 person as provided under paragraph (a) no later than 30 days after it receives notice
4 from the court that the petition has been denied.

5 (2) RECONCILIATION PROVISION. The amendment of section 301.45 (6) (a) 2. of the
6 statutes, as created by this act, SECTION 109 (2) of this act and SECTION 110 (2), (3)
7 and (4) of this act are void unless 1999 Assembly Bill 465 is enacted into law before
8 July 1, 2000, and unless 1999 Assembly Bill 465 creates section 939.50 (1) (h) and
9 (3) (h) of the statutes in exactly the same form as shown in 1999 Assembly Bill 465,
10 as passed by the assembly.

11 **SECTION 108. Appropriation changes.**

12 (1) APPROPRIATION INCREASE; CORRECTIONS. In the schedule under section 20.005
13 (3) of the statutes for the appropriation to the department of corrections under
14 section 20.410 (1) (a) of the statutes, as affected by the acts of 1999, the dollar amount
15 is increased by \$134,800 for fiscal year 2000–01 to increase the authorized FTE
16 positions for the department by 4.0 GPR positions on January 1, 2001, for performing
17 duties relating to sex offender registration under section 301.45 of the statutes, as
18 affected by this act, and community notification concerning sex offenders under
19 section 301.46 of the statutes, as affected by this act.

20 **SECTION 109. Initial applicability.**

21 (1) PENALTY FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS; INITIAL
22 PROVISION. The creation of section 301.45 (6) (a) 2. of the statutes first applies to
23 offenses committed on the effective date of this subsection, but does not preclude the
24 counting of previous offenses for purposes of determining whether the person is

ASSEMBLY BILL 613

1 subject to the penalties under section 301.45 (6) (a) 2. of the statutes, as created by
2 this act.

3 (2) PENALTY FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS;
4 RECONCILED PROVISION. The amendment of section 301.45 (6) (a) 2. of the statutes first
5 applies to offenses committed on the effective date of this subsection, but does not
6 preclude the counting of previous offenses for purposes of determining whether the
7 person is subject to the penalties under section 301.45 (6) (a) 2. of the statutes, as
8 affected by this act.

9 (3) LEASES AND RENTAL AGREEMENTS. The treatment of section 704.04 of the
10 statutes first applies to leases and rental agreements for which application, or
11 inquiry about the property, is made on the first day of the 13th month beginning after
12 publication.

13 (4) REAL ESTATE TRANSFERS. The treatment of sections 709.03 (form) GM., 709.05
14 (1) and (2) (b), 709.09 and 710.20 of the statutes first applies to transfers and
15 potential transfers in which contracts of sale, exchange agreements or option
16 contracts are accepted on the first day of the 13th month beginning after publication.

17 **SECTION 110. Effective dates.** This act takes effect on the day after
18 publication, except as follows:

19 (1) The treatment of section 301.45 (1g) (b) and (bm) of the statutes and the
20 repeal and recreation of section 301.45 (5) (a) 2. of the statutes take effect on January
21 1, 2000, or on the day after publication, whichever is later.

22 (2) If 1999 Assembly Bill 465 has been enacted on or before the day after
23 publication of this act and the day after publication of this act is on or before
24 December 31, 1999, the amendment of section 301.45 (6) (a) 2. of the statutes and
25 SECTION 109 (2) of this act take effect on December 31, 1999.

ASSEMBLY BILL 613

1 (3) If 1999 Assembly Bill 465 has been enacted on or before the day after
2 publication of this act and the day after publication of this act is after December 31,
3 1999, the amendment of section 301.45 (6) (a) 2. of the statutes and SECTION 109 (2)
4 of this act take effect on the day after publication of this act.

5 (4) If 1999 Assembly Bill 465 is enacted after the day after publication of this
6 act but before July 1, 2000, the amendment of section 301.45 (6) (a) 2. of the statutes
7 and SECTION 109 (2) of this act take effect on December 31, 1999, or on the date that
8 the treatment of section 939.50 (1) (h) and (3) (h) of the statutes by 1999 Assembly
9 Bill 465 takes effect, whichever is later.

10

(END)